IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5162 OF 2006

WITH

WRIT PETITION NO. 5163 OF 2006

AND

WRIT PETITION NO. 5164 OF 2006

AND

WRIT PETITION NO. 5165 OF 2006

AND

WRIT PETITION NO. 5168 OF 2006

AND

WRIT PETITION NO. 5169 OF 2006

AND

WRIT PETITION NO. 5170 OF 2006

M/s Hotel Mayfair Pvt. Ltd. .. Petitioners

V/s

The Maharashtra State Financial Corporation .. Respondent

Mr.Chaitanya Pendse i/b Mrs.Jyoti Chavan for the petitioners.

CORAM : S.B. MHASE &
D.G. KARNIK, JJ.

DATE : 9TH JULY 2007

P.C. :

. Heard.

2. The petitioners have challenged the common order

dated 7th July 2005 passed by the Debts Recovery Appellate Tribunal in Misc. Appeal Nos.6, 7, 8, 9, 10, 11, 12, 22 and 111 of 2005 and Misc. Appeal Nos.3, 4, 5, 13, 14, 16, 18, 20, 21 and 90 of 2005. We have perused the said order.

3. The grievance of the petitioners was that since the criminal prosecution is pending, the proceedings before the Debts Recovery Tribunal be stayed. It is further submitted that the petitioners are guarantors and the guarantee was obtained by concealing facts and by making misrepresentation. However, the petitioners have produced a Board Resolution dated 29th August 1994 wherein the Board of Directors has accepted the liability. It is a well settled principle that continuation of the civil proceedings is not in any way prejudicial to the criminal proceedings and, therefore, the applications have been rightly rejected by the Debts Recovery Appellate Tribunal. We refrain to entertain the petitions. Petitions are hereby rejected.

(D.G. KARNIK, J.) (S.B. MHASE, J.)